

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) Docket No. 2009-0049
Application)
)
of)
)
WAI'OLA O MOLOKA'I, INC.)
)
For review and approval of)
rate increases; revised rate)
schedules; and revised rules.)
)
_____)

PUBLIC UTILITIES
COMMISSION

2010 FEB - 1 P 3:03

FILED

MOLOKAI PROPERTIES LIMITED'S RESPONSE TO
COUNTY OF MAUI'S INFORMATION REQUESTS TO MOLOKAI PROPERTIES, LTD.
FILED JANUARY 22, 2010

and

CERTIFICATE OF SERVICE

CHUN KERR DODD BEAMAN & WONG,
a Limited Liability Law
Partnership

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Attorney for MOLOKAI
PROPERTIES LIMITED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)	Docket No. 2009-0049
Application)	
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MOLOKAI PROPERTIES LIMITED'S RESPONSE TO
COUNTY OF MAUI'S INFORMATION REQUESTS TO MOLOKAI PROPERTIES, LTD.
FILED JANUARY 22, 2010

Pursuant to the Order Approving Proposed Procedural Order, as Modified filed herein on November 6, 2009 (the "Procedural Order"), and Exhibit A thereto, MOLOKAI PROPERTIES LIMITED ("MPL"), through its undersigned attorneys, hereby responds to County of Maui's Information Requests to Molokai Properties, Ltd. filed herein on January 22, 2010.

MPL objects to the information requests to the extent that they are beyond the scope of and irrelevant to the issues identifies in the Procedural Order, they attempt to unreasonably broaden the issues of this proceeding, and they will unduly delay this proceeding.

DATED: Honolulu, Hawaii, February 1, 2010.

A handwritten signature in black ink, appearing to read 'A. V. Beaman', written over a horizontal line.

ANDREW V. BEAMAN

Chun Kerr Dodd Beaman & Wong,
a Limited Liability Law
Partnership

Attorneys for MOLOKAI
PROPERTIES LIMITED

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-100: Corporate documents, including articles of incorporation, by-laws, and any amendments to same.

Response: MOLOKAI PROPERTIES LIMITED ("MPL") objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Order Approving Proposed Procedural Order, as Modified filed herein on November 6, 2009 (the "Procedural Order"). In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-101: Minutes of all shareholder meetings from January
2000 to the present.

Response: MPL objects to this information request on the basis
that it is beyond the scope of and irrelevant to the issues set
forth in the Procedural Order. In addition, the information
request attempts to unreasonably broaden the issues of this
proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-102: Minutes of all board of directors meetings from
January 2000 to the present.

Response: MPL objects to this information request on the basis
that it is beyond the scope of and irrelevant to the issues set
forth in the Procedural Order. In addition, the information
request attempts to unreasonably broaden the issues of this
proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-103: Corporate records reflecting the issuance of stock certificates to any person or entity, the dates of issue, the consideration paid or promised for the stock, and the date(s) on which the consideration was paid or promised.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-104: Corporate records reflecting ownership of WOM.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-105: Financials, including MPL's audited financial statements. If none exist, then provide all unaudited financials for the period January 2000 to the present.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-106: For each bank account maintained in the name of MPL, a copy of all monthly statements for the period January 2000 to the present.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-107: State and federal tax returns for the period
January 2000 to the present.

Response: MPL objects to this information request on the basis
that it is beyond the scope of and irrelevant to the issues set
forth in the Procedural Order. In addition, the information
request attempts to unreasonably broaden the issues of this
proceeding and will unduly delay this proceeding. Moreover, even
if some of the requested information might be relevant, any
information prior to 2004 is irrelevant and would provide no
useful information regarding the approved issues of this
proceeding. Notwithstanding the foregoing and without waiving
any right or objection thereto, please refer to Wai'ola O
Moloka'i, Inc.'s Responses to the Division of Consumer Advocacy's
First Submission of Information Requests filed herein on November
25, 2009, at CA-IR-8a.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-108: All documents evidencing loans or any transfers among or between MPL and any one or more of the following affiliated entities for the period January 2000 to the present:

- a. WOM
- b. Molokai Public Utilities, Inc. ("MPU")
- c. Mosco, Inc. ("Mosco")
- d. Kaluakoi Water, LLC
- e. Kaluakoi Land, LLC

Response: There are no documents evidencing loans among or between WOM, MPU, and Kaluakoi Water, LLC and MPL. Transactions between the affiliated companies are conducted through an inter-company account which reflect the net due from the affiliate or to the affiliate, as appropriate. Such amounts would be reflected in the affiliated company's general ledger and on its financial statements.

In relation to the question of loans or transfers between MPL and Kaluakoi Land, LLC, and Mosco, Inc, MPL objects to this information request on the basis that it is beyond the scope of

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

and irrelevant to the issues set forth in the Procedural Order.
In addition, the information request attempts to unreasonably
broaden the issues of this proceeding and will unduly delay this
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Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-109: All documents evidencing leases, purchases, sales, assignments, or transfers of land or other assets among or between MPL and any one or more of the following for the period January 2000 to the present:

- a. WOM
- b. MPU
- c. Mosco
- d. Kaluakoi Water, LLC
- e. Kaluakoi Land, LLC

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-110: All documents evidencing loans, notes payable, or loans guaranteed by MPL for the benefit of WOM for the period January 2000 to the present.

Response: MPL has not guaranteed any loans to WOM. See also Exhibit WOM 2, Schedule 6 of Wai'ola O Moloka'i, Inc.'s Amended Application filed herein on June 29, 2009, in which WOM indicates that it has "no promissory notes, bonds, or other indebtedness.

Sponsor: Daniel E. Orodénker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-111: All documents reflecting the assets of MPL and the identity of all people or entities who exercise control over MPL's assets.

Response: MPL objects to this information request on the basis that it is vague and ambiguous and beyond the scope of and irrelevant to the issues set forth in the Procedural Order.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-112: All submissions concerning water and wastewater by MPL to any government authority, including the State of Hawaii, the Public Utilities Commission, and/or the County of Maui for the period January 2000 to the present.

Response: MPL objects to this information request on the basis that it is vague and ambiguous. For example, MPL is not in the water or wastewater business. Moreover, without more specificity to the County's request, MPL also objects on the basis that the information sought may be beyond the scope of and irrelevant to the issues set forth in the Procedural Order. Finally, MPL further objects to this information request on the basis that it is overbroad and unduly burdensome, given the period for which information is being sought.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-113: All corporate organization charts and/or other documents reflecting employees of MPL and their responsibilities.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-114: All contracts, agreements, or other arrangements
by and between MPL and any one or more of the following
affiliated entities for the period January 2000 to the present:

- a. WOM
- b. MPU
- c. Mosco
- d. Kaluakoi Land, LLC
- e. Kaluakoi Water, LLC

Response: MPL objects to this information request on the basis
that it is beyond the scope of and irrelevant to the issues set
forth in the Procedural Order. In addition, the information
request attempts to unreasonably broaden the issues of this
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Sponsor: Daniel E. Orodener

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DOCKET NO. 2009-0049

County-IR-115: All documents evidencing payments made by MPL for utility services provided to MPL by WOM.

Response: MPL does not maintain its records in such a way that it can easily determine which properties or entities owned or associated with MPL are utility customers of WOM, and therefore cannot provide the information required without a detailed review of the company's payment records and then another review of the WOM billing records, which reviews would be unduly burdensome. However, to the best of the company's knowledge, it has paid or netted payment against advances for all utility service provided by WOM.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
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FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-116: All documents evidencing charges for utility services provided to MPL by WOM that were not paid.

Response: MPL is not aware of any charge for utility service that has not been paid to WOM by MPL. See also response to County-IR-115 above.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
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DOCKET NO. 2009-0049

County-IR-117: All documents demonstrating efforts since May 27, 2008 to obtain a Water Use Permit for Well 17 from the Commission on Water Resource Management.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Well 17 is not the source of the water used by WOM to provide service to its customers.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
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FILED JANUARY 22, 2010

DOCKET NO. 2009-0049

County-IR-118: All documents demonstrating efforts since April 9, 2008 to obtain an environmental assessment or environmental impact statement for the use of excess space in the Molokai Irrigation System transmission pipeline.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

The MIS is not used to provide water to WOM for service to its customers.

Sponsor: Daniel E. Orodener

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_____)	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was or will be duly served on the following parties, by hand delivery or U.S. mail, postage prepaid, to their last known addresses set forth below, on this date:

MS. CATHERINE P. AWAKUNI (3 copies, Hand Deliver)
Executive Director
Department of Commerce and Consumer Affairs
Division of Consumer Advocacy
335 Merchant Street, Room 326
Honolulu, HI 96813

MICHAEL H. LAU., ESQ. (1 copy, U.S. Mail)
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Attorneys for
COUNTY OF MAUI

DATED: Honolulu, Hawaii, February 1, 2010.

A handwritten signature in black ink, appearing to read "Andrew V. Beaman", written over a horizontal line.

ANDREW V. BEAMAN

Chun Kerr Dodd Beaman & Wong,
a Limited Liability Law
Partnership

Attorneys for MOLOKAI
PROPERTIES LIMITED